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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,090	03/11/2004	Chih-Ching Hsien	GFP-2448	4580

7590

06/29/2005

Mr. Phillip LIU
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EXAMINER

SHAKERI, HADI

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,090

Applicant(s)

HSIEN, CHIH-CHING

Examiner

Hadi Shakeri

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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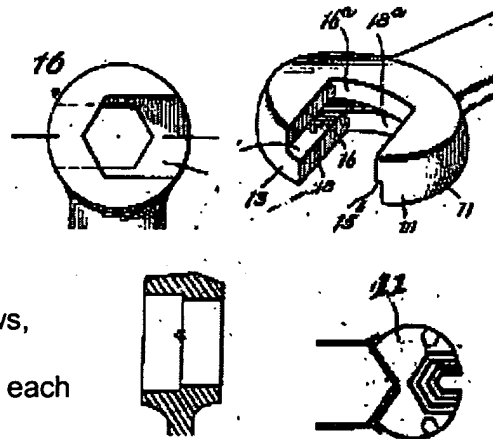
DETAILED ACTION***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

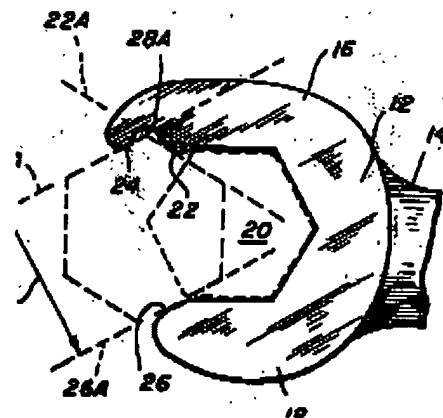
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over anyone of Griswold (37,865), Jeffery (916,951), Lukowski (1,088,786) or Herrman (1,297,846) in view of Evens (3,921,476).

Anyone of Griswold, Jeffery, Lukowski or Herrman discloses all of the limitations of claim 1, i.e., dual function end overlapped having clamping spaces of different from and in communications, wherein the function ends are in the form of a wrench having fixed jaws, except for the shape of the jaws, i.e., convex surfaces for each and one having a clamping area formed by a protrusion. Evans teaches combination torqueing and ratcheting wrench for a hexagonal member (Abstract).



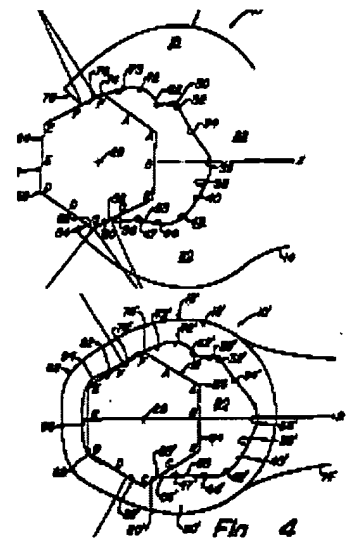
It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the shape of the tool of anyone of Griswold, Jeffery, Lukowski or Herrman with the shape of the jaw as taught by Evans in adapting the tool for combination torqueing and ratcheting functions in enhancing the operation.



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3. Claims 1, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over anyone of Griswold, Jeffery, Lukowski or Herrman in view of Baker (6,158,309).

Anyone of Griswold, Jeffery, Lukowski or Herrman discloses all of the limitations of claims 1, 6 and 7, i.e., dual function end overlapped having clamping spaces of different from and in communications, wherein the function ends are in the form of a wrench having fixed jaws, except for the shape of the jaws, i.e., convex surfaces for each and one having a clamping area formed by a protrusion (claim 1); the second function end to be formed as a ratchet box having enclosed space (claim 6); and for one of the jaws to be a ratchet box while the other has convex surfaces for each and one having a clamping area formed by a protrusion (claim 8). Becker teaches a ratcheting-type wrench for use in driving a hexagonal nut (Abstract) including embodiments wherein the jaws have convex surfaces for each and one having a clamping area formed by a protrusion (e.g., 84) and/or formed as a ratchet box having enclosed space.



It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the shape of the tool of anyone of Griswold, Jeffery, Lukowski or Herrman with the shape of the jaw as taught by Backer in adapting the tool for ratcheting function in enhancing the operation.

Note that modifying one jaw as an open wrench and the other as a box end, depending on the workpiece and/or operational parameters in adapting the tool for ratcheting is considered routine especially in view of different embodiments as taught by Becker, and since it has been held that changing shape, dependent on work-piece parameters, involves only routine skill in the art. *In re Stevens*, 101 US PQ 284(CCPA1954)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Response to Arguments

4. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection. However, with regards to the argument that the wrench of the instant application works or functions differently, it is noted that the prior art as applied meets the limitations recited in the claims, therefore the argument that the wrench of Becker has to be moved back and forth fails to indicate what limitations recited in the claims are not met. The argument regarding different functionality of the two jaws is not persuasive, since both jaws function to drive a hexagonal workpiece, and if by functionality applicant is referring to shape or ratcheting and/or both, it is noted that the wrench as taught by either Evans or Becker each ratchets, and each has a clamping area defined by a protrusion.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (571) 272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hadi Shakeri', with a stylized flourish at the end.

Hadi Shakeri
Primary Examiner
Art Unit 3723
June 23, 2005